

REMARKS

Claims 1, 2 and 4-8 are pending in the above-identified application. Claims 1 and 7 are herein amended. Claim 3 is herein canceled.

Rejection under 35 U.S.C. § 102(b)

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as anticipated by Takahashi (U.S. Patent No. 6,097,202).

Applicants herein amend claims 1, 5 and 7. Subsequently, Applicants disagree with the rejection, because not all of the claimed limitations are taught or suggested by the cited reference.

Applicants first note that in accordance with PCT Article 11(3) and 35 U.S.C. §363, the filing date of the present application is the international filing date of international application PCT/JP01/04994, which is June 13, 2001. Because this date is not more than one year after the Takahashi issue date (August 1, 2000), the claims cannot be anticipated by Takahashi under 35 U.S.C. §102(b).

However, because the Takahashi patent issued before Applicants' filing date (potentially allowing a rejection under 35 U.S.C. §102(a)), Applicants hereafter address any possible rejection under §102.

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Applicants note that the disclosed sensor unit 1 provides support for the claim 1 term "sensor means." Also, as noted in Fig. 4 and the paragraph in Applicants' specification on page 6, in lines 17-22, Applicants further note that switching circuit 16 is part of sensor unit 1. The claim 3 term "second switching means" corresponds to switching circuit 16.

Although claim 3 specifies that the "second switching means" is part of the "sensor element select means," and parent claim 1 does not specify that elements of the "sensor element

select means” cannot be part of the “sensor means,” Applicants submit that claim 1 may be misinterpreted as specifying that the “sensor means” and the “sensor element select means” cannot each include the same element.

Therefore, Applicants respond to the anticipation rejection by canceling claim 3 and including most of the features from claim 3 in claim 1. The proposed amendment to claim 1 specifies that the “sensor means” (not the “sensor element select means”) includes the “second switching means.” Applicants similarly amend claim 7.

Applicants make these amendments to show a clear distinction between Applicants’ invention and the apparatus and method of Takahashi. As noted above, Applicants assert that the “second switching means” (supported by switching circuit 16) is part of the “sensor means” (supported by sensor unit 1).

The anticipation rejection relies on Takahashi’s switch section SW2 to teach the claimed “sensor element select means” and on Takahashi’s sensor module 50 to teach the claimed “sensor means.” However, as shown in Takahashi’s Fig. 1, switch section SW2 is not part of sensor module 50. Accordingly, Applicants clarify independent claims 1 and 7 to emphasize that the “sensor means” includes the “second switching means.” Applicants submit that Takahashi does not teach or suggest such a configuration. Therefore, Applicants submit that the rejection has been overcome, and should be withdrawn.

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In view of the remarks above, Applicants submit that the application is in condition for allowance. Accordingly, Applicants request a Notice of Allowability. If the Examiner believes that this application is not now in condition for allowance, the Examiner is invited to contact Applicants’ undersigned attorney at the telephone number indicated below to arrange for disposition of this case.

In the event that this paper is not timely filed, Applicants petition for an appropriate extension of time. The fees for such an extension, or any other fees required to effect consideration of this response, may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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